



**DEPARTMENT OF THE ARMY**  
**ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS**  
**REGULATORY DIVISION**  
**P.O. BOX 6898**  
**JBER, AK 99506-0898**

November 25, 2020

Regulatory Division  
POA-2017-271

Pebble Limited Partnership  
ATTN: Mr. James Fueg  
3201 C Street, Suite 501  
Anchorage, Alaska

Dear Mr. Fueg:

This regards your June 8, 2020 revised application for a Department of the Army (DA) permit to discharge fill and dredged material into waters of the U.S. and work in, and placement of structures in navigable waters of the U.S. to facilitate the development of a copper, gold, and molybdenum mine and the supporting infrastructure. The proposed project would include a natural gas pipeline across Cook Inlet, a port and a transportation corridor from the port to the mine site. Pebble Limited Partnership's (PLP) proposed project location is in southwest Alaska, near Iliamna Lake, approximately 200 miles southwest of Anchorage and 60 miles west of Cook Inlet. The mine site and a majority of the proposed supporting infrastructure would be located in the Lake and Peninsula Borough with the remainder of supporting infrastructure located in the Kenai Peninsula Borough.

The United States Army Corps of Engineers, Alaska District, Regulatory Division (USACE) completed a substantive analysis under the 404(b)(1) Guidelines and determined discharges of fill material from the proposed project would cause unavoidable adverse impacts to aquatic resources which would result in Significant Degradation to aquatic resources. In a letter dated September 20, 2020, USACE identified specific compensatory mitigation requirements that are required to compensate for those impacts. On November 4, 2020, PLP provided a compensatory mitigation plan that was not compliant with rule (33 CFR Part 332 and 40 CFR 230) and therefore does not ensure the activities requiring a section 404 permit comply with the 404(b)(1) Guidelines.

Additionally, USACE evaluated the probable impacts, including cumulative impacts, of the proposed project and its intended use on the public interest. The benefits of the project were evaluated with consideration of the reasonably foreseeable detriments. The outcome of the public interest review resulted in the determination that the project is contrary to the public interest.

The district engineer has determined that issuance of a permit for the proposed project described in your June 8, 2020 application would not comply with the 404(b)(1) Guidelines and would be contrary to the public interest. Accordingly, the district engineer is denying your application for a DA permit. The enclosed Record of Decision outlines in detail the reason for the denial of a permit for your proposed work. I am informing the Cooperating Agencies for the development of the Environmental Impact Statement of the decision by copy of this letter.

Also enclosed is a Notification of Administrative Appeal Options and Process and Request for Appeal form regarding this Department of the Army Permit action (see section labeled "Permit Denial").

The Record of Decision (ROD) is currently in production to convert the documents into PDFs. The ROD will be provided as soon as the conversion has been completed.

Please contact me or Shane McCoy, of my staff, via email at poaspecialprojects@usace.army.mil, by phone at (907) 753-2715 if you have any questions.

Sincerely,

*David S. Hobbie*

David S. Hobbie  
Chief, Regional Regulatory Division

Enclosure

CF:  
poaspecialprojects@usace.army.mil

Applicant:  
Mr. James Fuego, jamesfuego@pebblepartnership.com